THE HON'BLE SRI JUSTICE A. GOLPAL REDDY
AND
THE HON'BLE SRI JUSTICE P. SWAROOP REDDY

WRIT PETITION NOS.9122 AND 9448 OF 2007

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Date: 7.6.2007

Writ Petition No.9122 of 2007:

Between:

Baby Koyada Sweatha D/o Koyada Praveen Kumar,
being minor, represented by her nephew,
N. Nagaraju, Pochammabagh, Saroornagar Mandal,
Ranga Reddy District and another. … Petitioners

And

The Station House Officer,
P.S. Pahadi Shereef, Cyberabad, Hyderabad
and others. …. Respondents.

AND

Writ Petition No.9448 of 2007:

K. Praveen Kumar S/o K. Kumara Swamy. …. Petitioner

And

The Director General of Police, Andhra Pradesh,
Hyderabad and others. …. Respondents.

ORAL ORDER: **(per A. Gopal Reddy, J)**

These two writ petitions can be disposed of together by this common order as both the petitions were filed for a writ in the nature of a Writ of Habeas Corpus to produce the alleged detenu Smt. K. Kavitha wife of K. Praveen Kumar. While Writ Petition No.9122 of 2007 is filed by Ms. Sweatha, aged about 14 years and her maternal uncle N. Naga Raju, Writ Petition No.9448 of 2007 is filed by K. Praveen Kumar, husband of Smt. Kavitha.

When the writ petitions were taken up by a Division Bench of this Court during summer vacation on 4.5.2007, Smt. K. Kavitha was produced before the Court and, on that day, while setting Smt. Kavitha at liberty, the Division Bench directed that she shall file an undertaking before the Registrar (Judicial) to the effect that she would appear before the concerned Division Bench after summer vacation on 7.6.2007.

Pursuant to the aforesaid directions, today Smt. K. Kavitha along with her daughter Sweatha, petitioner No.1 in W.P.No.9122 of 2007 is present in Court. Further, the 2nd petitioner in W.P.No.9122 of 2002, the brother of Smt. Kavitha is also present in Court.

We have heard the learned for the parties in both the writ petitions.

When questioned by the Court, the alleged detenu Smt. K. Kavitha who is the wife of the petitioner in W.P.No.9448 of 2007 categorically asserted that she and her daughter Ms. Swetha wants to reside separately and they were not inclined to join the company of the

petitioner in W.P.9448 of 2007. The statement of Smt. K. Kavitha is accordingly recorded.

Since Smt. K. Kavitha was produced before the Court and was already set at liberty and in view of her categorical assertion that she along with her daughter would like to reside separately and not willing to join the company of her husband, we are of the view that no further orders need be passed in both the writ petitions. Both the Writ Petitions are accordingly closed.

At this stage, Smt. Kavitha represented before us that her husband is not providing any maintenance to them and it would be very difficult for them to survive and, as such, some directions may be issued for their sustenance. Admittedly, cases are pending before the concerned Family Court regarding grant of maintenance etc. Therefore, she is at liberty to work out the remedies available to her including grant of maintenance before the appropriate forum. But, in the present petitions, which are filed in the nature of writ of habeas corpus, such relief cannot be granted.

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A. GOPAL REDDY, J

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7th JUNE, 2007 **P. SWAROOP REDDY, J**

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